

FIRST REGULAR SESSION

HOUSE BILL NO. 685

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURLISON.

1731H.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 338, RSMo, by adding thereto one new section relating to emergency prescription refills.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 338, RSMo, is amended by adding thereto one new section, to be known as section 338.200, to read as follows:

338.200. 1. In the event a pharmacist is unable to obtain refill authorization from the prescriber due to death, incapacity, or inability of the prescriber to provide medical services to the patient, or when the pharmacist is unable to obtain refill authorization from the prescriber, a pharmacist may dispense an emergency supply of medication if:

(1) In the pharmacist's professional judgment, interruption of therapy might reasonably produce undesirable health consequences;

(2) The pharmacy previously dispensed or refilled a prescription from the applicable prescriber for the same patient and medication;

(3) The medication dispensed is not a controlled substance;

(4) The pharmacist informs the patient or the patient's agent verbally, electronically, or in writing at the time of dispensing that authorization of a prescriber is required for future refills; and

(5) The pharmacist documents the emergency dispensing in the patient's prescription record, as provided by the board by rule.

2. (1) If the pharmacist is unable to obtain refill authorization from the prescriber, the amount dispensed shall be limited to the amount determined by the pharmacist within

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 his or her professional judgment as needed for the emergency period, provided the amount
18 dispensed shall not exceed a seven-day supply;

19 (2) In the event of prescriber death or incapacity or inability of the prescriber to
20 provide medical services, the amount dispensed shall not exceed a thirty-day supply.

21 3. Pharmacists or permit holders dispensing an emergency supply pursuant to this
22 section shall promptly notify the prescriber or the prescriber's office of the emergency
23 dispensing, as required by the board by rule.

24 4. An emergency supply may not be dispensed pursuant to this section if the
25 pharmacist has knowledge that the prescriber has otherwise prohibited or restricted
26 emergency dispensing for the applicable patient.

27 5. The board shall promulgate rules to implement the provisions of this section.
28 Any rule or portion of a rule, as that term is defined in section 536.010, that is created
29 under the authority delegated in this section shall become effective only if it complies with
30 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
31 This section and chapter 536 are nonseverable and if any of the powers vested with the
32 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
33 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
34 rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be
35 invalid and void.

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